

A. 283.
Ch. Rev. Bishop Mitford

THE REPORTS *A. Brown*

PRESENTED TO THE

LAMBETH CONFERENCE

PROVED TO BE UNCONSTITUTIONAL,

AND

OPPOSED BOTH TO THE LAWS OF ENGLAND,

AND TO THE

SAFETY AND UNITY OF THE CHURCH OF ENGLAND.

IN FOUR LETTERS

ADDRESSED TO

HIS GRACE THE ARCHBISHOP OF CANTERBURY,

BY AN

Ex-M.P.

HALIFAX, N. S.

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THE following letters are published for the information of the members and adherents of the Church of England.

It will be in the recollection of many members of the Church, that a Committee was appointed by the Pan-Anglican Conference to prepare a general scheme for the government of the Colonial Dioceses. That Committee drew up a plan, which they reported to the Conference, and which is examined and reviewed by an Ex-M. P., and now published in pamphlet form.

Of the scheme thus proposed for the government of the Colonial Churches, it is sufficient to say, that should it ever acquire the force of law, or if in a moment of infatuation Colonial Churchmen should voluntarily submit to its provisions, *a system of the most arbitrary and tyrannical character will be substituted for that wise and moderate Episcopal regime which was secured to us at the Reformation ; and both clergy and laity will alike be crushed under one grinding despotism.*

It is, therefore, respectfully and earnestly requested that Churchmen will carefully read the letters contained in this pamphlet, and judge for themselves of the system of government which a party in the Church are seeking to impose upon them.

HALIFAX, N. S., June, 1868.

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THE HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
BY
JOHN B. BOWEN
VOLUME I
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1845

INTRODUCTION.

I TRUST that the matter contained in these Letters will engage the attention of Members of Parliament, and of the advisers of the Crown. For, however imperfectly the question is treated here, it is one which concerns the rights both of the English Laity, the Clergy, and the prerogative of the Queen.

The real question is this, Are we to keep the Church of England as she was established at the Reformation, with definite Articles, and a settled order of Service, a Church protected, yet restrained by Statute, in which the Clergy have freehold rights to their Cures, indefeasible so long as they obey the law; and the Laity can depend on the truth of the doctrines, and the regularity of the service prescribed? Or are we to set up another Church, which holds its endowments by Statute, but which may change its Articles and its services at the pleasure of the Bishop; and when the Laity are aggrieved, or the Clergy wronged, there is no redress, but in appeal to a Court, in which he, the Bishop, sits sole Judge, both of faith and law?

This question has been raised with great imprudence by those who organized the Lambeth Conference, and prepared the Reports which were submitted to it in December last. That it was in the highest degree unconstitutional to raise this question before such an assembly will appear, if we bear in mind that American and Scotch Bishops, who are outside our Constitution, sat and voted as members, and that these strangers, along with Colonial Bishops, formed an overwhelming majority of the Assembly. The characteristics of Colonial Bishops I have touched upon in one of these letters; for, though anxiously desiring to avoid personalities, I must not omit that which is essential to my argument. Every one will see, that in an assembly composed of a large body of men of inferior gifts, but very extreme opinions, nothing is more easy, than for one or two dexterous speakers to lead them (where there is no restraint of publicity, for the public press is excluded) to any conclusions that favour Episcopal authority. It is not surprising, therefore, that the wisdom and moderation which characterized many members of the Lambeth Conference were overborne, as we know they were, by those violent Resolutions and unconstitutional Reports, which are now before the world. So it always will be. Those who desire the counsels of moderation must keep within the limits of Constitutional law, and avoid a promiscuous gathering, which is as imprudent as it is illegal.

It is, however, time that those who value the Constitution of our Church and the Queen's Prerogative, should look about them, and interpose. For the proceedings of the leaders of the Lambeth Conference

have gone during the last year to great lengths. One of these, the Bishop of Capetown, has within the last fortnight tried to defy the Queen's authority, and the laws of the Realm, by a bold attempt to consecrate in England a Bishop whom the Queen did not nominate. In this attempt he has been assisted by a Bishop of the Province of Canterbury, well acquainted with our laws, who must have known the illegality of his proceedings. Braving the Queen's prerogative, he endeavoured to intrude this illegal act into the Cathedral of Canterbury, and when thwarted there, he tried to force it into the University Church of Oxford, and only desisted at the last moment from an act which would unquestionably have involved him in the severest penalties of the law.

This shows the length to which some Bishops, asserting what they call the rights of the Church are prepared to go. There is yet another example worth noticing, as it illustrates their designs. Under some title of a Colonial Church Committee, they are seeking to wrest from the Queen's hands her undoubted prerogative of appointing Bishops. They have actually nominated a Clergyman without the Queen's consent to a Colonial See now vacant. And when the Colonial Minister vindicates, as he is bound to do, the Queen's prerogative, and resists this usurpation, they complain as if they were injured. I am not sure that in our political history there is any specimen of equal hardihood.

I must say also that their choice is of a piece with their regard for law. The men they select have always one qualification, that they hold the highest views of priestly authority, and take the lowest estimate of the rights of the laity and the authority of the Queen. They selected for some African Bishopric, Dr. Twells, whose sole qualification, as far as I ever heard is, that he is a member of that notorious Church Union, which is now disturbing the Church; for Dunedin, they chose Dr. Jenner, who is prominent in the most advanced of those Ritualistic rites, which all the Bishops have twice condemned, and whose scandals have reached the Police Courts of the city; and they wished to appoint, as Bishop, Mr. Butler, one of those twenty-one priests, who last May published their defiance of our Articles, and their adhesion to the dogma of the Mass.

These examples suffice for the character of their choice; but I trust, both the Members of the Legislature, and the Ministers of the Crown, will insist on the maintenance of our laws, and will not suffer the authority of our gracious Queen to be transferred to hands which little deserve our confidence.

THE RESOLUTIONS OF THE LAMBETH CONFERENCE.

LONDON, Dec. 4, 1867.

MY LORD ARCHBISHOP,—

YOUR Grace's anxiety to fulfil the duties of your high office encourages us to resort to you, when we feel in doubt or anxiety respecting the prospects of our Church. In laying before you what I apprehend to be a general sentiment of Lay-Churchmen, I am sure I shall obtain from your Grace a patient hearing.

Your Grace has seen from the various organs of public opinion that the Conference at Lambeth, known as the Pan-Anglican Synod, has been noticed by the Laity, and not favourably. I ask leave to lay before you some of the grounds of dissatisfaction.

Had your Grace's view, as announced in your original circular, been acted upon, had the Conference been confined to expressions of brotherly sympathy, the laity would have regarded with interest such a meeting of the Bishops of the Anglican Communion.

The Bishop of St. David's, indeed, with his usual acuteness, pointed out in a letter addressed to your Grace, the hazards to which such a meeting was exposed; but, presided over by your Grace, and restrained by your wisdom, such a Conference might have passed without any hazardous results. But the Bishop of St. David's has told us (in a letter addressed to the Editor of the *Guardian*, Oct. 26), that the plan of the Synod had been changed, before it met for deliberation, and there "had been the substitution of entirely new arrangements and resolutions, in the room of those which had been announced."

It is to the nature and effects of these resolutions that I now beg to call your Grace's attention.

The first topic mentioned in your Grace's address to the Synod (p. 9), and which stands as the 3rd Resolution, seems to have been unfortunate. A desire for the *Unity of Christendom*, is in ordinary circumstances a harmless vision; the circumstances of our times give it a peculiar significance. When we remember that an organized section within our Church have instituted societies to promote re-union with the Church of Rome, and have carried their wishes to the Cardinal of the Roman Inquisition; when a distinguished Oxford Professor has written a book to prove that our Articles may be so explained away as to melt into the Creed of the Council of Trent; when we remember further that one of your Grace's suffragans has advocated the union of our Church with the corrupt Churches of the East, your Grace will perceive that no topic could have been suggested better fitted to awaken amongst the laity both distrust and fear.

But from this speculative topic, and the address of the Bishops which was coloured by it, I pass to, what is more important—the Resolutions that are practical.

By the 2nd Resolution, it is provided, that when Clergymen or laymen visit the Colonies or the United States, they shall receive from your Grace, a certificate of their orthodoxy. Passports, as tests of loyalty, have been by prudent governments of late abandoned; your Grace would assume an onerous and hazardous office, if you required that every churchman, before he travels, or settles abroad, should obtain at Lambeth a passport certifying his faith. If refused, this would inflict upon him a grave injury; if granted, it would involve your Grace in the gravest responsibilities, yet by the 2nd Resolution this delicate duty is imposed on your Grace. Resolutions 4 and 5 should be read in connection with Resolutions 9 and 10. They announce a scheme of Sacerdotal Government which I cannot say is unprecedented. It prevails at Rome, and has been tried in England, but always with consequences, which leave an impressive warning. The scheme, as far as we can discover it, from the Resolutions which shadow it forth, is this: Every separate Church within our Colonial Empire is to be governed by an Episcopal Synod. The different Synods in the larger Colonies are to be placed "in due and canonical subordination to the higher authority of a Synod or Synods above them," (Resolution 4); and we may infer, (though this is not stated), that these various Metropolitan Synods, are to be ruled by the Central or Pan-Anglican Synod of London.

What the powers and functions of such Synods are to be, we are unable yet to state, because they are to be defined in a Report from the Committee named by the Conference, which I see by the newspapers is about to present its Report to your Grace. But that their powers are vast, include every question of doctrine and of discipline, the choice of the Bishop, the position of every Clergyman in a Colony, and the regulation of Missions and Missionaries, may be clearly gathered from Resolutions 10, 11, 12. Further, these Synods are to have the largest powers of passing laws to regulate the Colonial Churches, and are to form the *Judicial Tribunal*, before which every question of doctrine and discipline is to be brought. This appears from Resolutions 8, 9, and 10.

In the construction of this vast Hierarchy, in conferring upon Bishops these large and undefined powers, the persons employed are, a Committee of ten Bishops (whether English, Scotch, or American, we are not told), (Resolutions 5 and 9,) "*along with all the Colonial Bishops*," (Resolution 9.)

I do not say that this Hierarchical government—this superseding of our present Judicial tribunals, and subjecting the Clergy and Laity to a tribunal of Ecclesiastics—this substitution of Canon Law for English Laws,—this surrender of the Freehold Rights which at present guard an English Clergyman whenever he holds a Benefice—this handing him over to Laws passed by Bishops, and to a tribunal of Bishops to interpret these Laws,—I do not say that this is unprecedented. It is the practice of the Roman States, it prevails wherever the Church of Rome

is not restrained by National Law, it prevailed for a time in England, until it was found intolerable, and was suppressed. It was exhibited in the Star Chamber under Charles the First, (though even then with certain modifications); but I would ask your Grace whether such a system can be safely offered now by a Conference of Bishops to the English people within the English Colonies. I apprehend that our Colonists carry with them, and in no small measure, the traditions and feelings which they have imbibed at home,—the dislike of arbitrary power, the love of English freedom, the reverence for the Laws passed by Parliament and administered by Secular Judges, the dread of arbitrary power in any shape, and not the least when laws emanate from Priests, and are administered by Priests.

Does your Grace believe that this scheme will be accepted by our Colonies as a remedy for their difficulties, or commend itself to the people of England as an expedient which they can approve?

Will it not rather be regarded as a renewal of the perilous attempt, which in an evil day Archbishop Laud made, with issues to the Church and the Nation, which it is superfluous to recall?

Your Grace will not wonder that, with such convictions, we should entreat you to cancel the Resolutions of the Pan-Anglican Synod, and to leave the Committee of Bishops to resume their regular and important duties, and to commit to Parliament, as heretofore, the task of passing the laws which are to bind the Clergy and Laity of our Church, whether in our Colonies or at home.

I have the honour to be, my Lord Archbishop,

Your Grace's most obedient Servant,

AN EX-M.P.

To His Grace

The Archbishop of Canterbury.

THE REPORTS PRESENTED TO THE ADJOURNED CONFERENCE AT LAMBETH.

LONDON, December 30, 1867.

MY LORD ARCHBISHOP,—

The Conference of Bishops have now given to the public the Reports, which they received from their Committees on the 10th of December last; these are, I fear, not calculated to remove the apprehensions which in my last letter I ventured to express to your Grace. These Reports contain a scheme of Government for the Colonial Church, which appears to me complete, and not without precedents. But the completeness and the precedents offer matter for grave consideration.

Thus much may be said in favour of the Episcopal Conference, that, whereas our Government has declined to lay before Parliament any scheme for the administration of the Colonial Church, it was not unnatural that a Conference of Bishops should endeavour to supply what was

supposed to be lacking in order to keep the Church in the Colonies identical with the Church in England, and sound in the faith. How far this is likely to be accomplished by the Reports now published, we shall perceive when we have examined their chief provisions.

I. The Government of the Colonial Church, if these Reports and their scheme should ever acquire the force of law, will be as follows :

First : in each Colonial Diocese the government will be vested in a Synod, composed of three orders, the Bishop, the clergy, and certain laymen. *How many laymen or how few appears to be left to the Bishop to suggest. Any clergyman, whom the Bishop rejects (Adjourned Conference, p. 5), will be excluded from the Synod; but when the Clergy and Laity meet, either separately or together, they can pass nothing without the Bishop's consent : he is much more powerful than our Sovereign, for his veto is absolute.*

Second : in each Province, which will combine several Dioceses, the government is vested in a Provincial Synod, and this Synod consists also of three orders ; in one the Bishops sit apart, the other orders are, the Clergy (either all or representative clergymen), and the Laity, represented by one Layman from each Diocese. On the decisions of the Clergy and Laity, even if unanimous, the Bishops, like the Council of Ten at Venice, have an absolute veto.

Third : the jurisdiction of these Synods, as it affects the position of any one Bishop, or the position of a Clergyman, is this :

A. Every Bishop, before he is consecrated, and every clergyman, before he is ordained or instituted to a living, *must make a Declaration, that he "consents to be bound by all the Rules (Adjourned Conference, pp. 25-6) "and Regulations which have heretofore been made, or which "may from time to time be made, by the Diocesan and Provincial Synods,"* and he takes his living with all its emoluments subject to the sentence of the tribunal of his Bishop, and binds himself to resign his living if sentence is pronounced against him.

B. The tribunals are two : in the case of an accused Bishop, the tribunal is one on which three Bishops sit as judges, or, (where there are but three Bishops in the Province) two Bishops may decide the faith and fate of the third. In the case of a Clergyman, the Bishop sits alone on his tribunal ; and his sentence takes effect *at once*, suspending or deposing the Clergyman, leaving him a right of appeal to the Provincial Tribunal ; on which he will find his own Bishop seated beside two other Bishops.

C. The tribunal, thus narrow in its choice of judges, and summary in its judgment, is freed from those embarrassments which equity and caution have imposed on our judges in our Courts of Law. The Bishops may take evidence in whatever manner they please : they may frame or change the rules of procedure according to their pleasure. But whatever laxity there is on points which concern justice, the scheme is stringent on the points which secure efficacy. For every member of the Church must consent to its constitution, and "therefore its rules will have the force of laws : " (p. 4) and though an appeal to the Civil Court is not barred in

words, "sufficient provision shall be made by the declaration of submission, that the sentence of the spiritual tribunals may be effective." (p. 21.)

D. There is, indeed, for the pauperized clergyman, or the deposed Bishop, a right of appeal from a distant colony to a tribunal in London. But on this tribunal, the appellant will find Bishops alone, seated as judges, with no precedents to guide, and no rules of evidence to restrain them, nor procedure to follow, nor an independent Bar to check an arbitrary Bench (p. 17); and this tribunal will start into being so soon as ten Bishops from Scotland, or from the Colonies, or the United States, are found bold enough to sit on it. (p. 16.)

II. This is the scheme of government proposed by Committees of Bishops for the Colonial Church; and the scheme is framed so as to inclose in its iron net all who call themselves members of the Church of England. The Layman must not act as Churchwarden, or sit in the Synod, unless he has declared his submission to this scheme. The Government Chaplain must not act till he has a licence from the Bishop; the Missionary must not begin his mission until he has submitted to this absolute authority. (p. 33.) Nor can any Clergyman hope to escape this by flight: he may leave the colony, but the grasp of the Bishop follows him. He must seek a passport from his Bishop (p. 33); and without such passport no Bishop in any diocese throughout the wide world can venture to receive him.

The system, which I have thus traced in its outlines is vigorous and bold: it shews a distinct aim and a masterly hand. I have seen nothing so finished in the history of civil or military authority, in states which enjoy a despotic government. We have murmured at our Courts Martial, as too much unrestrained by law: but these Episcopal Courts are far more free in their action, and more full in their powers. Nor is the scheme without precedents. It is borrowed from one of the wisest and most effective Governments, that of the Church of Rome. Framed by the subtlest intellects, perfected by long experience, it secures, what is sought, arbitrary and irresponsible power. Your Grace may study it in full operation now in Italy, Ireland, and France. In Italy the power of the Bishop over the priest is complete, and the power of the Roman tribunal is absolute over Bishop and Priest. Cardinal Patrizzi, with whom some of our clergy have corresponded, can inform your Grace of the ease and effectiveness of its working. But if your Grace desires a closer inspection of the scheme, I recommend a study of the Romish Church in Ireland, where every priest depends upon his Bishop to suspend, remove, or depose him; and the case of Mr. Morrissey, which is published, will shew your Grace what are the results of an appeal by an obstinate priest from the sentence of his Bishop in the province to the judgment of the tribunal of Bishops at Rome. The appeal only insures his ruin.

The effects of the system on the Romish Church in France have been traced in some graphic remarks of one of your Grace's suffragans, the Bishop of Oxford, who has successfully challenged contradiction to his statement. He has informed us how many priests, ruined by the harsh

sentences of their Bishops, have to seek refuge and aliment on the cab-stands of Paris. If your Grace should think that the Bishop of Oxford has coloured the case, you will find it confirmed by two modern French works which, though in the form of fiction, represent real facts, "Le maudit par l'Abbe de ——" and "Le Cure de Campagne."

The scheme, therefore, of the Lambeth Episcopal Committees may be described as adroit and effective. How far it is applicable to England, or can be reconciled with our insular traditions and prejudices I do not presume to say. How far it will tend to preserve the unity and integrity of the Church of England your Grace will be better able to judge when I have presented to you some illustration of its practical working.

I have the honor to be,

My Lord Archbishop,

Your Grace's obedient servant,

Ex-M.P.

SPIRITUAL TRIBUNALS PRODUCING DIVERSITY OF FAITH IN THE COLONIES.

LONDON, *January 18, 1868.*

MY LORD ARCHBISHOP,—

The object of the scheme embodied in the Reports to the Conference is to secure "unity in matters of faith, and uniformity in matters of discipline, where doctrines may be involved." (P. 13, Adjourned Conference.) To attain this the Committees recommend a Spiritual tribunal in London, to which questions of doctrine may be carried from the Spiritual Tribunals of the Colonial Church. (pp. 12, 13.) But this object, undoubtedly important, is frustrated by the provisions of these Reports. For if your Grace will turn to pp. 13, 14, and 15, you will find that the Spiritual Tribunal in England, which alone can secure unity, is made powerless by the following provisions: 1st. That where there are Colonial Courts, these shall supersede and exclude the Tribunal. 2nd. That unless the Colonial Churches have consented to the constitution of the Tribunal, it shall have no power. 3rd. It shall not take cognizance of a case unless it "shall have been referred to it." 4th. The Colonial Churches are not only "free to accept or decline the appeal," but they may "withdraw afterwards their acceptance of the Tribunal if they so desire." Let us test the working of the scheme in two cases, one of which is already in operation, the other is at least supposable.

I We shall take first the difficulty which has suggested the remedy; the state of the South African Church. That Church is represented by a prominent Bishop of decided opinions. What his theological views are, he has taken some pains to tell us. He, with his colleague, Bishop Twells, went last month to the English Church Union to declare their confidence in that body. With the exception of the Bishop of Salisbury,

and, with some reserve, of the Bishop of Oxford, no Bishop on the English or Irish Bench has expressed a favourable opinion of that notorious faction. They are the avowed abettors, of the practices which all the Bishops, without one exception, have condemned, and which your Grace, as president of the Ritual Commission, is now engaged in repressing. Yet to this body Bishop Gray went to pour out his heart, and Bishop Twells avowed himself an attached member of the Union. Bishop Gray, further, took occasion to pass an eulogy on the Rev. Mr. Butler. "The rev. gentleman was perfectly qualified for the office of Bishop, though he thought that his signing the declaration of the twenty-one Clergymen on the Eucharist was, in his peculiar circumstances, indiscreet." That declaration, as your Grace will remember, was presented to you, last May, by twenty-one priests, who renewed those views of the Eucharist, which, in the case of Archdeacon Denison, your Grace's predecessor and his Court at Bath condemned as heretical; which have been characterized by the Bishop of St. David's, "as engrafting not only the outward ceremonial, but the essential idea of the Roman mass on the Anglican Communion Office," (Charge, p. 116,) and which have been succinctly described by the Bishop of London as "false doctrine on the nature of the Holy Eucharist." (Charge, p. 11.) Yet Mr. Butler, one of these twenty-one schismatical Priests, Bishop Gray declares to be "highly qualified for the episcopate;" and we cannot doubt, therefore, on what sort of person the choice of himself and his colleagues will fall; a priest, not differing in theology from Mr. Butler, but more cautious in revealing it, till he has reached the Bench. With such a Synod of Bishops, holding the creed of Dr. Pusey and Archdeacon Denison, there can be no doubt what dogmas the Synod of South Africa will propound as of authority on their clergy.

Suppose, then, this case to occur: a clergyman in the South African Church, who holds the Protestant doctrines of the Reformed Church of England, and believes the views of Bps. Gray and Twells to be, in the language of the Bishop of St. David's, not distinguishable from the dogmas of the Church of Rome, is brought before the tribunal of South Africa, sentenced, and if firm, deposed. He appeals to the spiritual tribunal of London, on which your Grace may sit as President; and your Grace, bound by your convictions and constrained by the Articles of your Church, will declare, as your predecessor did, Bishop Gray's views to be heretical, and those of the Presbyter to be sound: how long, I ask your Grace, would the Bishops of South Africa* accept the judgment of the

* The Bishop of Capetown has illustrated the correctness of my argument even more quickly than I had expected. So long as the Archbishop of Canterbury concurred with him and seemed to approve his proceedings in the nomination and consecration of a Bishop for Natal, then all went on smoothly, and Dr. Gray was loud in the Primate's praise; but no sooner did the Archbishop demur to an infraction of the Canons and a breach of the law, than the Bishop of Capetown writes to him to fling off his jurisdiction, and to tell him that he and the South African Church will follow their own pleasure, and will consecrate a new Bishop of Natal, all laws and canons notwithstanding.

tribunal of London, and submit to its jurisdiction? Would they not instantly use the power which these Reports give them, declare your conclusions false, and renounce your authority? So, in place of unity, there will arise diversity of faith; and, in place of a united church, a schism. This is one result of the Reports, and it is imminent.

II. Let me ask your Grace's attention to another. Bishop Selwyn has vacated the Metropolitan See of New Zealand. In South Africa Bishop Colenso occupies an unenviable position. Suppose the Crown resolves to close the scandal and remove Dr. Colenso to another hemisphere, and that he steps into the vacant post of the Metropolitan See of New Zealand, and draws around him other bishops of like views with himself. The Provincial Synod of New Zealand will in that case reflect the opinions of Dr. Colenso; and its spiritual tribunal will give forth his judgment.

Before this tribunal a clergyman may be brought, who believes in the Pentateuch, and thinks that it is not the same inspiration which moved Moses and Homer. Charged with rebelling against his Bishop, his misconduct is visited by deposition, and he appeals to the London tribunal. No man can doubt what sentence these judges would pass upon him; here again the two churches are at issue, and the hope of unity is gone.

III. But this opens another chapter in these notable Reports. Not only is the scheme powerless for unity, but it is remarkable for its injustice. Observe its provisions. In England, by our law, founded on the plainest equity, when a party appeals from an inferior court, his sentence is suspended till his appeal is decided. He has appealed to another tribunal, and that tribunal, as it reviews, may reverse his sentence. But that rule is set aside by these Reports, which follow the practice of the Roman inquisition. The moment a man is adjudged guilty by the first tribunal, his sentence takes effect. There is a naivete in this injustice which well deserves a record, "Sufficient provision should be made by the declaration of submission, that the sentence of the spiritual tribunals may be effective." (pp. 21-24.)

"During the appeal the sentence of the Provincial Tribunal should continue in force, so far as it affects the present exercise of spiritual functions by the accused." (p. 14.)

So that a clergyman who holds the Protestant doctrines of our Reformed Church, accepted for three centuries by every English Bishop from Archbishop Cranmer to Archbishop Sumner, who refuses the Romanistic views of Bishop Gray or the rationalism of Bishop Colenso, will instantly be deposed by the tribunals of South Africa or New Zealand, and sent, a ruined man, to carry on if he can, his appeal. This is a refinement of injustice reached only by the Inquisition of Rome.

If by the help of friends he is enabled to prosecute his appeal to England, he will be told on his return to the colony (not acquitted only, but praised) that the Provincial Synod has renounced the jurisdiction of the Anglican tribunal, and that its sentence is null.

True, and it deserves remark, the South African Church may perchance continue in connection with the London tribunal, which is to start

as soon as ten bishops, Scotch, Colonial, or American, have agreed to sit on it. For this tribunal may very possibly indorse the creed of Bishop Gray. It may follow the views of the Bishop of Brechin, who tells us that the Thirty-nine Articles are a burden only to be endured when they are treated by the free handling of Dr. Pusey's interpretation, or it may adopt the creed of the Bishop of Salisbury, who has transcribed into his charge the heresies along with the blunders of Bishop Forbes. But upon a tribunal so composed, I am sure your Grace would not be found; you would be kept from it by your own convictions and assuredly by the laws of the land.

The effect, therefore, of the London tribunal sympathising with the South African Synod would simply be to set up three spiritual tribunals; one rationalistic, two Romanistic; and all three differing from the standards of the Church of England. This is the result of this elaborate scheme to secure "unity in matters of faith, and uniformity in matters of discipline."

IV. So much for one aspect of these Reports. Let us turn to another. I ask your Grace's attention to the 8th Report. It is signed by Bishop Selwyn. He does not inform us who were his colleagues. The question submitted to him was important. I shall only vary it, by substituting for a portion of the South African Church, the *whole*. The question will then stand, "How the South African Church may be delivered from a continuance of the scandal now existing," and "how the true faith may be maintained." That there is a scandal in that Church we are all agreed. Bishop Selwyn does not seem to me to appreciate its magnitude. For the scandal is complex, and Bishop Selwyn looks only at half of it.

The rule which the committee had to guide them was plainly stated by the Conference. They are to judge by the "existing standards and formularies of the Church of England." (p. 15.) From these standards the South African Church has departed widely. Two bishops, both prominent, both outspoken, have gone astray. Bishop Colenso towards the Church of Rome. Both Rousseau and Renan—Bishop Gray towards the Church of Rome. Both have given the same proof of their leanings, in spoken or written words. Both have gained the same notoriety: both have caused a public scandal. The offences of both are plain. In the one, unbelief of our standards, in the other adulteration. And the latter, Lord Bacon truly says, is the heavier offence. If the Conference only referred one scandal to the Committee, their action was unfair: for if they follow their church's standards, three articles impeach Bishop Colenso, eight articles condemn Bishop Gray. If it is said that the greater scandal should first engage the Conference, which is the greatest? In our Church's judgment, that which is the heaviest evil. Our Church specially marks the dogmas of Rome: and wisely, for that disease is worst which is most contagious. Ague is bad, but ague catches only weak constitutions on marshy lands: scarlet fever reaches all ages and sexes, comes in the air, clings to our dress, spreads its poison surely, and never stops till it slays. The scarlet fever of Bishop Gray is a vast deal more catching than Bishop Colenso's ague. At all events, if the Conference was impartial, both scandals should have been treated, for both were great. But Bishop Selwyn may say with truth, that one only was referred to him. Let us see how he deals with this, as we shall learn from this judgment of an able bishop, what principles of justice will guide ecclesiastics on a spiritual tribunal.

The case against Bishop Colenso stands thus: He published some writings on the Pentateuch—very bad writings. No doubt there are Theologians who have read these. For most of us the first pamphlet was enough. It was sophistical, flippant, yet dull; few, that read it, travelled further. But scepticism coming from a bishop was novel—drew attention, and rumour spread the scandal. It was natural that the small sections of the English clergy, who meet in the Convocations of Canterbury and York, should notice these writings, and judging them, a few by knowledge, more by report, should condemn them.

I say nothing of the judicial proceedings at Cape Town; these have been characterized by the Bishop of St. David's, as a mockery of justice, "a complete emancipation from the rules and principles of English law and justice." (Charge, p. 69.) Relying on this mockery, and on the judgment of two small assemblies of Clerics in England, Bishop Selwyn jumps to his conclusion, and pronounces judgment.

It is indeed a curious judgment. He says (p. 38), that the sentence of deprivation is valid, and therefore the See (of Natal) is vacant."

Let us test this judgment by the rules of justice. In Ireland, Mr. R. Pigott has published seditious libels in an Irish newspaper. He is arraigned, like Bishop Colenso, for his publications. He has appeared before a magistrate; has the magistrate condemned him? No. He sends him to be tried; and he now awaits his trial. The trial will be conducted according to the rules of justice, with the assistance of counsel, and the benefit of a strict interpretation of every word. This is one process of justice.

I turn to another.

I take a case, not of scandal, but of crime; not of words, but of acts. Bishop Colenso may be as bad as his enemies believe: he is not worse than the Fenians who suffered at Manchester. Let us regard him as a spiritual Fenian—as bad as O'Brien, Larkin and Allen—he can hardly deserve worse treatment or a different jurisdiction. These three Fenians were tried by Mr. Justice Blackburn, and we remember how he dealt with them.

Let us suppose then that Mr. Justice Blackburn had followed the example of Bishop Selwyn and his colleagues, his course would have been this: Commissioned by the Queen, he would have opened his court at Manchester, and when the case was called he would have said, "I know the facts; I have read the evidence; there are eye-witnesses here in the police; the crime is 'notorious. Are we to suffer such red-handed criminals to escape through 'the subterfuges of law, and the subtleties of lawyers? I won't hear the 'counsel; I don't want the witnesses; the acts are plain. I close the Court, 'and sentence the criminals to be hanged!'" Bad as the Fenians are, and strong as was the public wrath against them, I feel sure that we should have risen as one man, not against the culprit, but the judge. Such a violation of law would have roused the public indignation, and the horror of the crime would have been lost in the outrage on injustice. For justice is a sacred deposit, and, once lost in a country, it is rarely regained.

Yet this injustice, in dealing with the offences of Bishop Colenso, Bishop Selwyn and his colleagues have perpetrated. They have condemned a man untried, and who, in the same Report, they advise should be put on his trial.

Therefore, much as we dislike the errors of Dr. Colenso, we dislike even more the passionate injustice of Bishop Selwyn.

To sum up, I have shewn your Grace that, for the object the Conference has at heart, their legislation is worthless. I now shew your Grace, by this instructive judgment, that if Ecclesiastics are unfit to make laws, they are still more unfit to administer them. In their own sphere, in the exercise of their high office, we esteem and regard them; when they step out of that sphere and take the functions of Parliament, their projects are blunders. But when they step on the bench, and, with the passions of partisans, attempt to adjudicate on right, their judgments are a grievous wrong. England tried them some centuries ago, and set them aside as unqualified for judicial duties. For long training, and habits of impartial reasoning, are needful to fit a man to be a judge. The specimen here given by bishops of undoubted ability, shews that, of all the evils that can befall our Church, the gravest will be that of committing the rights and independence of our clergy to Ecclesiastics as administrators of our laws.

I have the honor to be,
Your Grace's obedient servant,
AN EX-M.P.

SPIRITUAL TRIBUNALS PRODUCING DIVERSITY OF FAITH AT HOME.

LONDON, February 3, 1868.

MY LORD ARCHBISHOP,—

While it has appeared from the preceding argument that the objections to bishops presiding on a judicial tribunal, which is to decide the doctrines and fortunes of the clergy, are thus clear and cogent, there are reasons why such an experiment is especially unsuitable to the case of our colonies. For your Grace has doubtless observed, that the increase in the number of colonial bishops makes it more difficult to find qualified persons to undertake the office. Clergymen, actively engaged here, are unwilling to abandon a sphere of usefulness for one which is distant and doubtful. Hence the Crown and the heads of the Church are every day more straitened in their choice, and are compelled to select clergymen, who, holding extreme views, think that the post of a bishop will give them opportunities of propagating these; or the choice falls on inferior men, attracted by a post which raises them out of their obscurity into notice, and gratifies them by rank, and opportunities of display.

Thus we have seen persons, whose names we never heard of, not known beyond the narrow circle of some obscure parish, or suburban district, raised to be bishops, and itinerating through England to flaunt their dignity with cross and crozier, and to take part in the Romish rites which now scandalize the Church. I do not allude to the notoriety, which attended a recent consecration of a bishop, and which surprised

and afflicted your Grace. I take the plea which Bishop Jenner (now Bishop of Dunedin) has put forward for himself, as his qualification for the office of bishop. He boasts that he is faithful to Ritualistic observance. In other words, a clergyman in your Grace's diocese, enjoined by yourself and your predecessor to abstain from these unseemly practices, affirms that he has defied your authority, has violated the order of his church, and that, in the face of law and decorum, he continues the practices which all the bishops have condemned.

Can it be argued that such clergymen (and the letter of Mr. Macrorie shews that this is the modern colonial type), when raised to the Colonial Episcopate, are to decide at their pleasure the faith and fortunes of our clergy? or that the English laity would send their sons to incumbencies abroad, where Bishops Gray and Jenner, with Bishops Tozer and Twells are to interpret the Articles and declare the laws of our church?

Such a system, reprehensible in our colonies, and producing extreme scandals there, would be unjustifiable even in England, where the posts of bishops have been hitherto filled, we rejoice to think, by men of high repute. On this point let me submit to your Grace a few illustrations.

I. But first let me deal with a question which is collateral, but which, in consequence of a recent decision, disturbs the minds of earnest churchmen. Some of our clergy, loyal and attached to our church, have been led, by a recent judgment of the Final Court of Appeal, to question whether the Queen's Supremacy, and the Jurisdiction which is connected with it, are desirable and safe. This is far too wide a question for these hasty remarks. Those who seek information will find it in the learned Charge of the Archdeacon of London. But there is one remark which I may venture to present to candid minds. The supremacy of the English Crown over the Church of England, is a mode of securing to the English people their right to the possession of a church of fixed order and definite truth. It secures to the clergy a freehold right to discharge their office of ministering to the people, safely, so long as they conform to the order of the Church; and it secures to the laity their right to have a rational service reformed from Roman ceremonies, and pure doctrine opposed to Roman error. In the case of questions arising between any of these parties, the Crown secures to the disputants, after they have escaped from the hideous labyrinth of the Ecclesiastical Courts, a judicial tribunal, on which the three highest dignitaries of the Church sit alongside of judges, the most impartial that can be found in England, who, after a long life passed in the practice of their profession, bring the mellowness of age and the maturity of experience to guide them in their decisions. No doubt there may be lapses in the judgment of this or any tribunal; but such cases can be corrected by a more careful choice of the judges, and time is sure to redress the infirmities or the blunders of a brief generation.

The evil of our judicial system lies in a direction the opposite to that to which the fears of the clergy point. It is the process in the Courts below, complicated by the Canon law, by the prejudice, and, I regret to

say, by the interests of bishops, which now stands in the way to obstruct justice. That evil demands instant reform. I trust this session will not pass without applying it. To seek a remedy for the abuses of our courts by the substitution of theologians for lawyers, of partisans for impartial judges, would be to expose our unhappy clergy to be treated with the disregard of the rules of evidence and equity which has characterized the proceedings of the Bishop of Capetown on two occasions, and now signalizes the Reports of Bishop Selwyn. This would indeed be passing from one evil to a greater, from discussions at times perplexed and misleading, but always aiming at truth, to the disputes of controversialists always vehement, and scarcely ever just.

II. That this would be, of all evils, the worst, I will illustrate to your Grace by a few cases, which I take from the practice and known opinions of eminent English bishops.

Let me first take the present Bishop of Salisbury. No doubt, in selecting him, I am aware that exception may be taken. For it may be pleaded that the Bishop of Salisbury has gone beyond the diversities of opinion, which are admissible within the Church of England; as much beyond the bounds in one direction, as Bishop Colenso on the other. I have no answer to make to this; for Bishop Hamilton, in transcribing into his charge the dogmas which, when announced by Bishop Forbes in Scotland, were condemned by all the Scotch bishops, has departed widely from the formularies and articles of his church. Still his case offers, if not a fair, at least a striking illustration.

Suppose then that the scheme of these Reports presented to your Grace passed into law, and that each bishop, seated on his tribunal, became the sole judge of the faith and teaching of his clergy. I observe that a clergyman in Wiltshire, writing with that freedom which our laws allow, denounces the views of Bishop Hamilton as disloyal and dishonouring. At present he does this safely. But under the proposed system of Episcopal Tribunals, he would instantly be summoned before the Bishop's Court at Salisbury, be called on to recant, and on his refusal, he would be suspended and deposed.

The suffering clergyman shakes from his feet the dust of the Wiltshire Downs, and removes to Southwark, or Spitalfields. He resorts to the venerable Bishop of Winchester, or to the Bishop of London. He is told that every dogma propounded on Bishop Hamilton's tribunal as true, is rank heresy; that these doctrines are contrary to the Articles of the Church of England, as well as to its uniform teaching. That our Reformed Church has no altar, no sacrifice, no sacrificing priest, no presence of Deity in the material elements, that from those errors her offices are carefully purged; that to her the confessional is an abomination, and auricular confession sternly prohibited; that no man can absolve from sin, but God only; and that if a bishop asserts such things to be true, he defies his Church, violates her Articles, and is a priest of the Church of Rome, not a pastor of the Church of England. Such would be the finding of the Episcopal tribunals of Winchester and Lon-

don; and I believe there is not a lawyer of any mark, nor a judge of any repute, who would not say that the finding was just.

Does your Grace think that such a conflict between three Episcopal tribunals would conduce to the peace or order of the Church of England? Bad enough that an English bishop should propound Romish heresies in a cumbrous charge; a thousand fold worse, if he coerced his faithful clergy to subscribe to these unfounded dogmas.

I take another illustration, and I take this, not from different dioceses, but from one diocese; I select a bishop, whom all will admit to be well acquainted with the law and qualified by his ability, when unbiassed, to decide it fairly. This at least is a case fairly selected.

Your Grace may remember nine years ago that a church scandal occurred in Berkshire, which at the time was much talked of. A clergyman in that county, well known by his writings for extreme Romanizing opinions, had a Curate as zealous, and rather more indiscreet than himself. Mr. Gresley, having long advocated the Confessional, the Curate brought it into practice, and he applied the nostrum in the most preposterous case imaginable, under circumstances so absurd and yet so gross as to occasion a general excitement. The clergy took it up as a reproach to their profession, and the laity as an insult. The Bishop of Oxford, interposing, as was indeed unavoidable, in a case which had scandalized his diocese, wrote an elaborate epistle, designed apparently to cloak the culprits, and smother the charge. But the clergy were not to be satisfied, and the public could not be silenced. The local newspapers, and the London press rung with the story; and at length, coerced by public opinion, admonished (if I mistake not) by legal warning, the Bishop of Oxford at length named commissioners, and put the offender on his trial. So vehement was the public voice against the offensive practice of auricular confession (the wealth, yet the opprobrium of Rome) that the Bishop of Oxford finally pronounced his sentence in the following words:—"I hold that the Church of England discountenances "any attempt on the part of her clergy to introduce a system, of habitual "confession, in order to carry out such a system, to require men and "women to submit themselves to the questioning and examination of the "priest."

Nothing could be more explicit than this declaration; all that was wanted was that the Bishop's practice should be consistent with his profession. But this consistency was wanting. For when another case arose in a diocese, with which by residence and property the Bishop of Oxford is connected—a case of all others the most objectionable, because there the practice of auricular confession was applied to boys of tender years by masters who can compel attendance; in that case, which attracted attention at the University of Oxford in 1862, was enquired into by the late Bishop of Rochester, and by him strongly condemned, was noticed in the last words of Bishop Lonsdale, who denounced it firmly; yet of these schools, and their opprobrious practices, the Bishop of Oxford stood forward as the champion, and remains to this day their zealous but inconsistent defender.

I take from this same diocese another, it shall be my last, illustration. Suffer me to say to your Grace, that, when the English laity give their most precious gift, the hearts and lives of their sons, to the service of the Church of England, they are certainly not attracted by the hopes of lucre, or by the expectation of rank and ease. Hard work is the lot of the English pastor, and very scanty gains. He may support the Church—the Church does not sustain him. The Presbyterian Church of Scotland pays her clergy better; the Free Church of Scotland gives her ministers a larger income. The attraction we feel to the Church of England is this: that, guarded by our courts, surrounded by our laws, a pastor may teach and lead his flock calmly, surely, into the green pastures of truth by its still waters, no man forbidding him, none making him afraid! What would be his lot if he was subject to the will of his Diocesan, held his faith according to the Bishop's fancy, and might be stopped or removed at his pleasure. Would any man of independent mind accept such a position? Would any thoughtful father give his son to such a bondage? To receive the law from the bishop's fancy, to take the faith of the Church of England from his interpretation, would indeed be the severest bondage, that of the soul. How such a system would act, let me illustrate by the same diocese and the same able, certainly not impartial, Diocesan. A clergyman in Berks opens his letters on a morning in 1859, and finds a long despatch from his bishop, addressed to the archdeacons; so addressed, he perceives that it is of great importance and pressing exigency. He reads there words which make a great impression on him:—"I utterly disapprove all attempts to introduce any such unusual Ritualistic developments. I hold it to be my duty to hold firmly, and without compromise, the distinctive doctrines of our own Reformed Church, and the solemn and expressive Ritual, which is so closely connected with them. You know that, to the utmost of my power, I discourage all diminution and all excess of her sober rule. You well know that I have a jealous dread of every Romanizing tendency, and that I have not the slightest sympathy with those who wish to restore among us such a Ritual as Mr. Purchas describes. For that, in my opinion, such attempts both breed on the one side, in some weak minds a longing first for the gorgeous Ritual, and then for the corrupt doctrines of Rome."

The same clergyman starts for Reading on a wintry morning of December, 1866, to hear, as he hopes, the same glowing language from his eloquent Diocesan; what is his surprise to learn from the bishop's charge (p. 8), that "a great development of Ritual amongst us is by no means to be dreaded:" that (p. 52) "the rigid clasp of an unalterable Ritual may fatally repress zeal, generate formality, or nourish superstition:" that "in the normal condition, therefore, of the Church, Ritual must be and ought to be elastic, and subject to variation:" that "where new churches (p. 49) have been built with a view to the practice in them of a legal Ritual higher than the common, &c, I should greatly regret any sudden and violent changes enforced upon them in the direction of a lower ceremonial, in order to maintain a frozen uniformity." That the

practices which in 1851 the bishop had stigmatized as "childish frivolities," were now "cravings for a more expressive symbolism in worship," "a reaction against the chillness, in which puritanism has long been dying out," "a link of connection with the richer ceremonial of antiquity."

Your Grace will hardly wonder that we rejoice, that where the opinions of a bishop are so variable, and his views exposed to such gusts of change, our clergy should prefer to hold fast by the standards of the Church, and to rest on the freehold rights which the State has given them. Safe, so long as they conform to the Church's order, they may smile at the infirmities or lapses of their bishop; and, while they respect his lawful authority, they feel that the strong arm of the law surrounds them both, and that, if a wrong is done or threatened, they can appeal to courts, which, in the hands of intrepid judges, will assert and clear their rights.

No, my Lord Archbishop; if the scheme of the Lambeth Conference ever passes from a project into a fact, it will present a plan of sacerdotal government and judicature, with which the Roman States are familiar, but which is unknown to England.

It may be tried on in English colonies; I am sure it will not be long endured. If attempted in England it will overthrow the Queen's supremacy and the constitution of our courts; but it will do something more, for it will upset the Church of England. And those who value the Church as the most important, I hope the most lasting, of our institutions, will unite in opposing a scheme so contrary to the laws and liberties of the realm, and to the safety both of Church and State.

I have the honour to be,

My Lord Archbishop,

Your Grace's obedient servant,

AN EX-M.P.

